

CHAPTER 675 - STREET VENDORS

- 675.01 Definitions; Chapter Scope
- 675.02 Street Vendor's License Required; Application; Fee
- 675.03 Street Vendor's License: Issuance and Replacement; Fee
- 675.04 Permits Required
- 675.041 Street Vendors Advisory Committee
- 675.05 Permit; Vending on Private Property
- 675.06 Permit: Zones Within the Central Business District
- 675.07 Permit; Temporary Sidewalk Occupancy Outside the Central Business District
- 675.061 Permit: Mobile Vending Within the Central Business District
- 675.08 Permit: Mobile Vending Outside the Central Business District
- 675.09 Regulations Governing Vendors
- 675.10 Revocation or Suspension of License or Permit; Appeals
- 675.99 Penalty

Note: The legislative history of this chapter, except where specifically noted at the end of a section, is as follows: Ordinance No. 63410-A, passed September 22, 1924.

Cross-reference:

Peddlers, CO Ch. 682

Statutory reference:

License revocation, RC 2961.03

Power to inspect food products, RC 715.46

Power to regulate, RC 715.61 et seq.

Sale of fresh fruits and vegetables, RC 925.21 et seq.

§ 675.01 Definitions; Chapter Scope

(a) For purposes of this chapter:

(1) "Commissioner" means the Commissioner of Assessments and Licenses.

(2) "Street Vending" or "Vending" means selling, offering or displaying for sale, or soliciting another to purchase, for present or future delivery, any goods, wares, merchandise, subscriptions, services, pre-packaged frozen desserts, commercially prepackaged foods and beverages contained in displays of less than two hundred (200) cubic feet, or any combination thereof from, in, upon, along, or through the highways, streets, or sidewalks, door-to-door on residential property, or in the open air or from a temporary shelter or vending device upon private property.

(3) "Street Vendor" or "Vendor" means any person who engages in street vending. "Vendor" does not include itinerant vendors or itinerant wholesale produce dealers licensed under Chapter 682 or food shops or food vehicles licensed pursuant to Chapter 241, unless such food shop or food vehicle licensed under Chapter 241 vends pre-packaged frozen desserts.

(4) "Person" means an individual, corporation, partnership or association; provided, however, that for purposes of Section 675.02, "person" shall mean a natural person only.

(5) "Sell" or "selling" includes barter or bartering.

(6) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

(7) "Street" means street, alley, highway, roadway or avenue, including all curbs along such streets.

(8) "Vending device" means vehicle or a container used for the sale, display or transport of goods, wares, merchandise, or commercially pre-packaged food or beverages, or equipment used for menial tasks by a vendor.

(b) *Scope of Chapter.* The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, to bona fide sales of goods, wares, commercially prepackaged food or beverages, or merchandise by samples for future delivery, to sales at trade shows or conventions, or to sales by charitable organizations in conjunction with solicitations for charity.

(c) Nothing in this chapter shall be construed to prohibit the distribution of non-commercial handbills, cards, leaflets, or other literature upon the sidewalks of the City.

(Ord. No. 1382-13. Passed 6-9-14, eff. 6-12-14)

§ 675.02 Street Vendor's License Required; Application; Fee

(a) No person shall engage in vending anywhere in the City without a vendor's license issued under Section 675.03. The issuance of a vendor's license to a person shall not be deemed to authorize agents or employees of the person to vend without a license.

(b) The application for the license required by division (a) of this section shall be made to the Commissioner on forms prescribed by the Commissioner. The application shall include the following information:

(1) The name and address of the applicant;

(2) A detailed description of the goods, wares, commercially prepackaged food or beverages, or merchandise that the applicant intends to sell; and

(3) Such other information as the Commissioner deems necessary to ensure compliance with this chapter.

(c) In addition to the application required by division (a) of this section, each applicant for a vendor's license shall furnish two (2) photographs of the applicant taken within thirty (30) days before the date of application and of a size designated by the Commissioner.

(d) The annual license fee shall be sixty dollars (\$60.00) which shall cover the period beginning August 1 and ending July 31 of the following year.

(Ord. No. 1657-11. Passed 11-28-11, eff. 11-28-11)

§ 675.03 Street Vendor's License: Issuance and Replacement; Fee

(a) Upon receipt of a completed application and all other materials required by Section 675.02, the Commissioner shall issue to the applicant a vendor's license and a laminated identification card containing the applicant's photograph. The identification card shall be worn by and the license shall be kept upon the person of the vendor at all times during which the vendor is engaged in vending.

(b) The license issued pursuant to division (a) of this section shall contain the following information:

(1) The vendor's name and address;

(2) A detailed description of the goods, wares, commercially prepackaged food or beverages, or merchandise which the vendor is authorized to sell;

(3) The license number and the license expiration date.

(c) In the event that a licensed vendor loses the laminated identification card issued pursuant to division (a) of this section, the Commissioner shall issue a replacement identification card upon payment by the vendor of a fee of ten dollars (\$10.00).

(Ord. No. 1657-11. Passed 11-28-11, eff. 11-28-11)

§ 675.04 Permits Required

A permit is required in each of the following circumstances when vending is occurring upon the highways, streets, or sidewalks, or to business invitees upon or from private property:

- (a) No person shall engage in vending upon or from private property anywhere in the City without a permit issued in accordance with Section 675.05;
- (b) No person shall engage in vending upon or from a fixed location on a sidewalk within the Central Business District without a permit issued in accordance with Chapter 508 or without a permit issued in accordance with Section 675.06;
- (c) No person shall engage in vending while moving continuously from place to place on the highways, streets or sidewalks of the Central Business District without a permit issued in accordance with Section 675.061;
- (d) No person shall engage in vending upon or from a fixed location on a sidewalk outside of the Central Business District without a permit issued in accordance with Section 675.07;
- (e) No person shall engage in vending while moving continuously from place to place on the highways, streets, or sidewalks outside of the Central Business District without a permit issued in accordance with Section 675.08.

(Ord. No. 1382-13. Passed 6-9-14, eff. 6-12-14)

§ 675.041 Street Vendors Advisory Committee

There is established a Street Vendors Advisory Committee consisting of three (3) members of Council, one (1) of whom shall be designated as chairman, appointed by the President of Council; one (1) member of the Division of Police, appointed by the Chief of Police; and one (1) Assistant Director of Law, appointed by the Director of Law. The Committee shall assist vendors licensed under Section 675.03 to resolve problems relating to street sales and may communicate to the Council recommendations for the amendment of this chapter.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)

§ 675.05 Permit; Vending on Private Property

(a) *Application.* The application for the permit required by division (a) of Section 675.04 shall be made to the Commissioner. The application shall contain the following:

- (1) The vendor's name, address and vendor's license number;
- (2) The name and address of the owner of the private property upon which the vendor intends to vend;
- (3) If the vendor is the owner of the private property, documentation of the vendor's ownership, and if the vendor is not the owner of the private property, documentation, signed by the property owner, of the vendor's right to vend on the property;
- (4) The address of the private property on which the vendor intends to vend;
- (5) A statement of the duration of the proposed vending activity and whether the applicant is seeking an annual permit or a short-term permit;
- (6) A description of the vending device, if any, from which the vendor intends to vend, including its size and the distance from the vending device to public sidewalks, parking lots, driveways and other areas used or usable for vehicular travel or parking;
- (7) A description of proposed trash storage and waste disposal methods, and a description of any electrical and water connections and any fuels or electrical generators to be used on the premises;
- (8) Unless the application is for a short-term vendor permit, a certification that the location of the vending device will meet all building setback requirements of the Zoning Code and will not interfere with the safe movement of vehicles or pedestrians on the subject property; and

(9) Unless the application is for a short-term vending permit, if the applicant proposes to vend on a property located in a Design Review District or a Landmark District, the applicant shall also submit color photographs showing all sides of the vending device, if

any, and a scaled drawing showing all proposed signs and decorative elements, including their placement, material, and color.

(b) *Council Notification.* On receipt of a permit application, the Commissioner shall notify the Council member in whose ward the proposed permit location lies that the application has been received.

(c) *Location of Vending Devices.* No person shall locate a vending device on private property so as to violate building setback requirements of the Zoning code or so as to interfere with the safe movement of vehicles or pedestrians on the subject property.

(d) *Building and Housing Referral.* The Commissioner shall refer all permit applications to the Director of Building and Housing for review and approval. As part of the review, the Director of Building and Housing shall determine whether or not the property on which the proposed vending is to be conducted is in a Design Review District, or a Landmark District, and shall report that determination to the Commissioner of Assessments and Licenses. The Director of Building and Housing shall not approve the application unless he or she finds that no provisions of the City's Building Code or Zoning Code will be violated by issuance of the permit, including without limitation, the following:

(1) Set back requirements;

(2) Use restrictions;

(3) If the vendor intends to operate from a "structure" within the meaning of the Building Code, those provisions of the Building Code applicable to "structures"; and

(4) If the vendor intends to operate from private property that is a parking lot, those portions of the Zoning Code that require that a specified number of parking spaces be available for the use of particular business.

(e) *Design Review.* If the vendor proposes to operate on a property which is located in a Design Review District, the Commissioner of Assessments and Licenses shall refer the permit application to the City Planning Commission for design review and approval. In the case of a property located in a Landmark District, the referral shall be made to the Landmarks Commission. Design review shall not be required if the vendor is proposing to vend under a short-term vending permit.

(1) In reviewing the application, the City Planning Commission or Landmarks Commission, as applicable, shall determine the appropriateness of any vending devices proposed to be used with respect to the following factors:

A. Physical condition and state of repair;

B. Compatibility with nearby structures in terms of color, placement, heights, and general design;

C. Obstructions to or conflicts with vehicular or pedestrian traffic;

D. Availability of electrical connections, and procedures for garbage and waste disposal; and

E. Impacts on scenic views.

(2) The Director of the City Planning Commission or Secretary of the Landmarks Commission shall transmit the Commission's determination to the Commissioner of Assessments and Licenses within thirty (30) days of the referral of the application unless the Commission conducting the review has granted the applicant an extension in order to allow for submission of additional materials or revisions. The Commissions may seek advice from any designated local design review advisory committee.

(f) *Short-Term Permits.* If the vending activity is proposed to be conducted for a period of seven (7) days or less, the Commissioner may issue a short-term vending permit, except that if any person or persons have obtained a short-term vending permit for a particular location on four (4) prior occasions in a given permit year, which shall commence August 1 and end July 31 of the following year, then no person shall be issued a fifth or subsequent short-term vending permit for the same location in that permit year. As used in this division, a "particular location" shall mean a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name.

(g) *Permit Issuance and Fee.* On receipt of a completed application approved by the Director of Building and Housing and approved, if required, by the City Planning Commission or the Landmarks Commission, and on receipt of the applicable permit fee established by this division, the Commissioner of Assessments and Licenses shall issue a permit which shall cover either a period of seven (7) days or a period of one (1) year, commencing August 1 and ending July 31 of the following year. The fee shall be seventy five dollars (\$75.00) for a seven (7) day permit and three hundred seventy five dollars (\$375.00) for a one (1) year permit.

(h) *Display of Permit.* The permit shall be kept on the vending device, truck, or structure at all times during which the vendor is engaged in vending, and shall contain the following information:

- (1) The vendor's name and address;
- (2) The address of the private property on which the vendor is authorized to vend;
- (3) The name and address of the owner of the private property;
- (4) A description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and
- (5) The permit number and permit expiration date.

(i) *"Vending Device" Defined.* As used in this section, "vending device" has the same meaning as in Section 675.01, and shall also include temporary structures, trailers, and other vehicles, carts, stands, and other devices from which vending can be conducted, or which can be used to display goods.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)

§ 675.06 Permit: Zones Within the Central Business District

(a) In addition to the temporary sidewalk occupancy permits issued under Chapter 508, the Director of Capital Projects is authorized to issue permits to vend in zones in the Central Business District established by the Director in which the holders of the permits may vend on such days, at such times of day, and under the conditions that the Director determines. The zones shall be created by regulation taking into account the following factors:

- (1) Pedestrian and vehicular traffic patterns, including possible congestion during special events and sporting events;
- (2) Proximity to special events and sporting events occurring in the Central Business District and at the lakefront;
- (3) Proximity to retail establishments; and
- (4) Other factors deemed relevant by the Director of Capital Projects.

(b) The application for the permit authorized by division (a) of this section shall be made to the Director of Capital Projects on forms prescribed by the Director. The application shall contain the following:

- (1) The vendor's name, address, and vendor's license number;
- (2) A description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size;
- (3) The zone or zones for which a permit is sought; and
- (4) A description of the items to be offered for sale.

(c) On receipt of a completed application and an annual permit fee of one hundred twenty-five dollars (\$125.00) per zone or a daily permit fee of thirty dollars (\$30.00), the Director of Capital Projects shall issue the appropriate permit. An annual permit shall cover the period commencing August 1 and ending July 31 of the following year.

(d) The permit shall be kept on the vending device, truck, or structure at all times during the time the vendor is engaged in vending and shall contain the following information:

- (1) The vendor's name and address;
- (2) A statement of the zone or zones in the Central Business District to which the vendor is restricted;
- (3) A description of the vending device, truck, or temporary structure, if any, from which vending is authorized, including its size; and
- (4) The permit number and permit expiration date.

(e) The Director of Capital Projects may issue rules and regulations to carry out the purposes of this section.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)

§ 675.061 Permit: Mobile Vending Within the Central Business District

(a) The application for the mobile vending permit required by division (c) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member or members in whose ward or wards within the Central Business District the vendor intends to vend that the application has been received. The application shall contain such information as the Director may require, including, but not limited to, the following information:

(1) The vendor's name, address, and vendor's license number;

(2) A description of the highways, streets or sidewalks located within the Central Business District that the mobile vendor intends to vend upon. The statement shall specify the ward or wards in which the vendor intends to vend;

(3) A description of the mobile vending device or truck from which the applicant intends to vend, including its size.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the mobile vending device or truck at all times during which the vendor is engaged in vending and shall contain the following information:

(1) The vendor's name and address;

(2) The ward or wards in which the vendor is authorized to vend within the Central Business District;

(3) A description of the mobile vending device or truck from which vending is authorized including its size; and

(4) The permit number and permit expiration date.

(d) No mobile vendor shall operate on a public street in a location where on-street parking is prohibited or a location prohibited under Section 675.09; and

(e) No mobile vendor shall operate at the site or within five hundred (500) feet of a special event or community event except in accordance with the regulations of Chapter 131 and with authorization to participate in the event.

(f) No mobile vendor shall operate upon or from a fixed location on a sidewalk without a permit issued under Section 675.06 or Chapter 508.

(g) The Director of Capital Projects is authorized to promulgate additional rules and regulations necessary for the administration of this section. Such rules and regulations shall be published in the *City Record* and become effective seven (7) days after publication thereof.

(Ord. No. 1382-13. Passed 6-9-14, eff. 6-12-14)

§ 675.07 Permit; Temporary Sidewalk Occupancy Outside the Central Business District

(a) The application for the permit required by division (d) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member in whose ward the proposed permit location lies that the application has been received. The application shall contain the following:

(1) The vendor's name, address, and vendor's license number;

(2) A sketch and narrative indicating the location for which the permit application is being made, with sufficient detail to enable the Director of Capital Projects to verify the placement of the temporary vending device in accordance with the criteria contained in Section 675.09;

(3) A description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size; and

(4) A copy of an ordinance of Council specifying the location described in division (a)(2) of this section and authorizing the vendor to vend from that location.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall

issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the vending device, truck, or structure at all times during which the vendor is engaged in vending, and shall contain the following information:

- (1) The vendor's name and address;
- (2) The address or description of the location that the vendor intends to vend;
- (3) The number and passage date of the ordinance described in division (a)(4) of this section;
- (4) A description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and
- (5) The permit number and permit expiration date.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)

§ 675.08 Permit: Mobile Vending Outside the Central Business District

(a) The application for the permit required by division (e) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member or members in whose ward or wards the vendor intends to vend that the application has been received. The application shall contain the following:

- (1) The vendor's name, address, and vendor's license number;
- (2) A statement that the vendor intends to move continuously from place to place upon those highways, streets, or sidewalks that are located outside of the Central Business District. The statement shall specify the ward or wards in which the vendor intends to vend;
- (3) A copy of the ordinance of Council specifying the ward or wards in which the vendor is authorized to vend; and
- (4) A description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the vending device, truck, or structure at all times during which the vendor is engaged in vending and shall contain the following information:

- (1) The vendor's name and address;
- (2) The ward or wards in which the vendor is authorized to vend;
- (3) The number and passage date of the ordinance described in division (a)(3) of this section;
- (4) A description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and
- (5) The permit number and permit expiration date.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)

§ 675.09 Regulations Governing Vendors

(a) For purposes of this section:

- (1) "Merchandise" means goods or wares, and does not include food or beverages other than prepackaged frozen desserts commercially prepackaged foods and beverages contained in displays of less than two hundred (200) cubic feet.

(2) "Street" means street, alley, highway, roadway, or avenue.

(b) No vendor shall sell or display merchandise:

(1) To the occupants of vehicles stopped in traffic;

(2) From any vehicle, structure, or device that is situated in any portion of a street which is designed or ordinarily used for vehicular travel;

(3) At a location or in a manner that hinders or restricts access to a telephone booth, mail box, parking meter, police or fire call box, traffic control box, fire hydrant, or sidewalk elevator, or that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets; or

(4) From a vending device larger than twenty-two (22) feet in length and eight (8) feet in width.

(c) Unless the Director of Capital Projects makes a determination to the contrary, which determination is reflected in the location specified on a permit issued in accordance with this chapter, no vendor shall sell or display merchandise:

(1) At any location where the sidewalk is less than ten (10) feet in width;

(2) Within ten (10) feet of a crosswalk;

(3) Within that portion of a sidewalk bounded by the prolongation of each intersecting abutting property line to the respective curblines or within ten (10) feet thereof;

(4) Within twenty (20) feet of any doorway or the prolongation of any doorway width to the curpline;

(5) Within fifty (50) feet of another permitted location, provided however, that the distance between locations permitted pursuant to Section 675.06 shall be in accordance with the rules and regulations promulgated by the Director of Capital Projects under division (e) of Section 675.06; or

(6) Within twenty-five (25) feet of any restaurant doorway, or prolongation or extension thereof.

(d) No vendor shall display merchandise or place lines or other devices for the display of merchandise on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture.

(e) A vendor who has received a permit to vend upon private property shall not encroach into any street or sidewalk in any way.

(f) No vendor shall place any merchandise in or upon any street or sidewalk, and all vendors shall exercise reasonable care to ensure that their merchandise, packaging, display equipment or other paraphernalia does not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property.

(g) No vendor shall engage in vending door-to-door on residential property between the hours of 7:00 p.m. and 9:00 a.m.

(h) No vendor shall leave a vending device unattended at any time, leave a vending device on a sidewalk between the hours of midnight and 6:00 a.m., or conduct business on a sidewalk or from a vending device between those hours.

(i) A vendor who has received a permit to vend on public property shall obey any lawful order of a police officer to remove himself or herself and his or her vending device entirely from the sidewalk to avoid congestion or obstruction during an emergency.

(j) A vendor who is required to move continuously from place to place shall locate any vending device, equipment and merchandise adjacent and parallel to a curb when stopped for a sale.

(k) A vendor who has received a mobile vending permit shall abide by applicable state and local traffic laws and obey any lawful order of a police officer or traffic controller to move or relocate a vending device.

(l) No vendor shall make any loud or unreasonable noise for the purpose of advertising or drawing attention to merchandise or for any other purpose.

(m) All vendors shall comply with all requirements of applicable state and local law, including, without limitation, the City's Fire Prevention Code and State of Ohio Fire Code.

(n) No person shall vend pre-packaged frozen desserts within the City who has been convicted of or pled guilty to any of the following criminal offenses:

(1) Any offense involving a minor;

(2) Any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;

(3) Any assault within seven (7) years after service of sentence after conviction or guilty plea;

(4) Unlawful possession of weapons within five (5) years after conviction or guilty plea; and

(5) Any homicide offense in RC Chapter 2903 or any substantially similar homicide offense under any municipal or state law.

(o) Any applicant for a license or permit under this chapter to vend pre-packaged frozen desserts shall list on the application their name, address, date of birth, and social security number, and shall provide an affidavit stating that the applicant has not been convicted of or pled guilty to any of the criminal offenses listed in division (n) of this section. Any employer applying for a permit to vend pre-packaged frozen desserts shall list the name, address, date of birth, and social security number of each employee or person who will be vending pre-packaged frozen desserts.

(p) The Commissioner of Assessments and Licenses shall refuse to grant a license or permit under this chapter to vend pre-packaged frozen desserts or shall revoke a license or permit under this chapter to vend pre-packaged frozen desserts, for any one (1) or more of the following reasons:

(1) The applicant has been convicted of or pled guilty to any criminal offense involving a minor or any other criminal offense listed in division (n) of this section;

(2) The applicant fails to provide the information required by division (o) of this section;

(3) The applicant makes or made a false statement in the license or permit application; or

(4) The applicant fails to report a conviction that occurs during the license or permit period.

(q) No person shall vend pre-packaged frozen desserts without posting the permit in a conspicuous location in each vehicle used to vend pre-packaged frozen desserts.

(r) On every permit to vend pre-packaged frozen desserts, the Commissioner of Assessments and Licenses shall list the name of each employee or individual authorized to vend pre-packaged frozen desserts on behalf of the applicant.

(s) There shall be no vending of pre-packaged frozen desserts after 9:00 p.m.

(t) No vendor operating pursuant to a permit granted under Section 675.06 or 675.061 shall employ more than two (2) salespersons in the operation of its vending device or display.

(Ord. No. 1382-13. Passed 6-9-14, eff. 6-12-14)

§ 675.10 Revocation or Suspension of License or Permit; Appeals

(a) The Commissioner may at any time revoke or suspend any license or permit granted by the Commissioner under the authority of this chapter for failure to comply with the terms of this chapter or with any law, rule or regulation relating to vendors or the conduct of their business.

(b) The Director of Capital Projects may at any time revoke or suspend any permit granted by said director under the authority of this chapter for failure to comply with the terms of this chapter or with any law, rule or regulation relating to vendors or encroachments in the rights-of-way of the City.

(c) In case of the refusal to issue a license or permit or the revocation or suspension of a license or permit by the Commissioner or by the Director of Capital Projects, the applicant or licensee may appeal the Commissioner's or Director's action to the Board of Zoning Appeals, established under Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten (10) days from the date of the Commissioner's or Director's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, disapprove or modify the Commissioner's or Director's action, and the Board's decision shall be final.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)

§ 675.99 Penalty

(a) Whoever violates any of the provisions of this chapter is guilty of improper vending, a minor misdemeanor, and shall be fined one hundred fifty dollars (\$150.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(b) In addition to any other method of enforcement provided for in this chapter, the provisions of division (a) of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) If the offender persists in improper vending after reasonable warning or request to desist, improper vending is a misdemeanor of the first degree.

(Ord. No. 210-11. Passed 4-25-11, eff. 4-25-11)